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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,549	07/13/1999	HANNU KARI	10178.115USW	5267

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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

14

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/341,549

Applicant(s)

KARI ET AL.

Examiner 

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


MELVIN MARCELO
PRIMARY EXAMINER

Continuation of 2. NOTE: In short, the amendment will not be entered because the amendment raises new issues that require further consideration and possible new subject matter (i.e., by changing the dependency of the claims the applicant has actually changed the scope and meaning of all of the claims under the new independent claim 12). For example, applicant would have to remove the reference to claim 1 in applicant's specification see page 3, line 30. More importantly, examiner notes several embodiments in applicant's invention directed towards solving different service situations of a packet radio network. One service situation (i.e., one embodiment) is recited in claim 12 with respect to handoff/crossover between at least two base stations (and not only one base station as recited by applicant). The way the claims were originally written, claim 1 was directed towards representing a generic service situation using (1) a predefined protocol (page 6, lines 1-13 of applicant's specification) and (2) a specific procedure for each service situation (page 7, lines 1-26 of applicant's specification) where depending on the specific service situation specific service parameters (mentioned on page 5, lines 18-34 of applicant's specification) were recited for groups of dependent claims where claim 12 was one of those dependent claims. As such, the service situation representing the propagation delay of a packet radio network using a parameter of time stamps is fundamentally different than a service situation representing a crossover/handoff using a weighted signal strength measurement as a service parameter. Hence both of these situations are not represented by the same service parameter and thus are not represented by one (emphasis one) service parameter as recited in the claims. Furthermore, examiner notes there is no support in applicant's written specification for relating weighted signal strength measurement parameters to more than one class of service (or any class of service for that matter) as recited in claims 10, 11 and 15. Instead, examiner notes only a relationship is presented between parameters that have time stamps and classes of service as provided on pages 2-3 of applicant's specification. This is probably because applicant discloses that in this invention propagation delay is the most significant factor connected with quality of service [page 2, lines 31-32]. Thus the embodiment for handover/crossover found in applicant's specification on page 4, lines 24-28 and page 6, lines 24-36 does not disclose or draw a clear relationship between the service parameter and the classes of service providing both a written description problem and an enablement problem (i.e., issues of new matter). In addition, examiner has interpreted the claims in the rejection based on no relationship between the classes of services and the service parameter (i.e., these features are independent of one another). Hence examiner notes most of applicant's arguments are moot. Finally, examiner maintains the 112- second paragraph rejection since applicant has yet to clearly point out the exact term "overall service situation" in applicant's specification. If this term does not appear in applicant's specification then to overcome the rejection please recite the definition in the claims. However, examiner notes that the definition "determining the parameters for more than one QoS class" (see applicant's response filed 7/22/03 on page 6) is not support for claim 12 since the classes of service are independent of the service parameters for claim 12 (see above).